

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TAKEDA PHARMACEUTICALS U.S.A., INC.,

Plaintiff,

v.

WEST-WARD PHARMACEUTICAL
CORPORATION, HIKMA AMERICAS INC., and
HIKMA PHARMACEUTICALS PLC,

Defendants.

Civil Action No. 14-cv-1268-SLR

**PLAINTIFF TAKEDA PHARMACEUTICALS U.S.A., INC.’S
MOTION PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 59(E) AND
15(A) FOR A MODIFICATION OF THE JUDGMENT OF DISMISSAL AND FOR
LEAVE TO AMEND ITS COMPLAINT**

Plaintiff Takeda Pharmaceuticals U.S.A., Inc. (“Takeda”) respectfully moves the Court under Federal Rules of Civil Procedure 59(e) and 15(a) and District of Delaware Local Rule 15.1 to alter or amend the Court’s May 19, 2016 judgment dismissing Takeda’s First Amended Complaint and for leave to amend its Complaint.

Pursuant to District of Delaware Local Rule 15.1, Takeda’s Proposed Second Amended Complaint is attached as Exhibit A. A redline copy of the Proposed Second Amended Complaint showing the changes from Takeda’s First Amended Complaint (D.I. 109) filed on September 10, 2015, is attached as Exhibit B. A proposed form of Order granting this motion is also being submitted concurrently herewith.

The complete grounds for this motion are set forth in Takeda’s Opening Brief, submitted herewith. Takeda also relies for this motion on all pleadings and papers of record and on file in this case and such other evidence and argument as may be presented to the Court before or at the time of any hearing on this motion.

WHEREFORE, Takeda respectfully requests that this motion be granted.

Date: June 3, 2016

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/s/ Mary W. Bourke

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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered participants.

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on June 3, 2016 upon the following individuals via electronic mail:

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